

HAVANT BOROUGH COUNCIL

Town & Country Planning Act 1990

Consultation on Planning Application

MEMORANDUM

From: Environmental Health **To:** Development Control

Our Ref: CONS/18/02553 **Your Ref:** APP/18/00380

EH Case Officer Extn: 44 6677 **Date:** 02 January 2019

DC Case Officer: Rachel Ballam

DC Case Officer Extn: 6143

Application Number: APP/18/00380

Site Address: Proposed Development site at the former Southmere Farm, The Mallards, Havant

Proposed Development: Outline application for the construction of 3No. two storey detached dwellings, following demolition of existing buildings (Approved 13/09/2018). Request to discharge Condition No's 4, 5, 7, 8, 9, 10, 12, 13, 14 and 15 (30/11/2018).

A request has been made to discharge the following condition(s) on the above application:

Condition 5: (Contamination)

Observations / Comments:

I have reviewed the supporting information to this application, and would like to make comment primarily in respect of condition 5, but also briefly in respect of the CEMP for the benefit of the applicant. It is acknowledged that c.7 has already been discharged under the decision dated 18/12/2018.

Construction Environmental Management Plan

It is noted that provisions for fuel storage are relatively limited (100L max. excluding plant / machinery fuel tanks), and that storage is to be limited to areas of hardstanding. There is no mention however of the fuel storage being secure, or locally bunded - both of which are recommended provisions, particularly given the permeable soils and proximity to a local surface water.

For these same reasons, control of runoff from the site should also be controlled to prevent excess sediments / soil / pollutants from entering the surface water. Measures to achieve a suitable level of control may include maintaining a suitably broad vegetated buffer, or constructing a small boundary bund to intercept suspended solids or floated Light Non Aqueous Phase Liquids.

Dust suppression / interception measures should also consider the surface water to be a sensitive receptor, and site management should be mindful of aeolian deposition of contaminants.

Contamination

The text of the desk study report is not particularly consistent, and in places suggests that a site investigation is considered to be necessary (contrary to its conclusions). Similarly, risks are highlighted, but either omitted from the site conceptual model altogether, or dismissed without any detailed justification.

Other tangible risks apparent from the information presented are not identified, and some apparently relevant features are present in the photographs from the site walkover which are not mentioned within the report text.

In particular, Table 5 appears to limit the range of potential on-site sources to 'infilled water bodies', despite these being features which the report arguably most robustly dismisses as a credible source of contamination. This table also omits the most likely sources of contamination, without the supporting text offering a robust explanation for dismissal from further consideration.

I would similarly disagree with some of the risk ratings attached to the probability of exposures included in the tabulated conceptual model at section 13. I would challenge in particular the 'low likelihood' of end user exposures by ingestion, dermal contact & inhalation of dust, and the 'low likelihood' of leaching and migration via groundwater. The language used ("probability of risk") is open to interpretation, but appears to have been applied considered principally in terms of 'probability of presence', and not 'probability of active pathway, if contamination is present'. Taken as the latter, the conclusions are contrary to my interpretation of the likelihood of the pathway being active - and taken as the former (probably as intended), these conclusions appear to be reliant upon the poorly justified assumption that contaminants are not likely to be present.

Given these factors, the conclusions of the report (i.e. no investigation necessary) are heavily reliant upon the observance of the contamination watching brief described at 15.2 for certainty. This section on the face of it makes reasonable, if brief, provision - however it does not describe any indicative threshold of either triviality or significance, nor what contaminants would be readily identifiable and which would be missed.

15.5 would appear to clarify comments in Table 13 (recommending an asbestos survey prior to 'investigative works'), appearing to refer to survey of buildings prior to demolition. Whilst I do not disagree with the value of this, I acknowledge that Asbestos within the buildings is covered by other legislation, and is routinely managed as a component of demolition contracts. The definition of contamination could be construed to include asbestos in buildings, however I would not generally consider asbestos integral to the fabric of the buildings to be material to the provisions of condition 5 in the same way as would asbestos that is within soils (whether on the surface, entrained within the soil matrix, or buried).

In summary;

- I do not consider the 'modern and good condition' of agricultural machinery currently present on site to be sufficient justification as to dismiss the risk of release of contaminants from such machinery over the >150 year history of the agricultural use of the site.
- I have identified features in the site walkover photographs which could be indicative of contamination - most notably an apparent above ground storage tank plinth (tank no longer present; photo O), possible evidence of surface spillage (oils) near agricultural machinery (photo F), surface spillage of unidentified powdered materials within the main barn (photo J), vehicle parts indicating possible use for ad-hoc maintenance & repair (photo W), possible evidence of burning of waste in the open (photo U), and evidence of on-site machinery maintenance being undertaken on site (oil-stained drip tray, photo Y).

None of these features are unexpected, but all are reasons why I would consider farm buildings to comprise a potentially contaminative use in their own right.

- The principle risk drivers for the site are considered to be the end users of the residential units (with particular regard to the potential significance of a contamination hot-spot within a relevant averaging area of limited size) and the environmental receptor represented by the local surface water (where EQS's for the protection of freshwater ecology would apply)
- I do not consider the watching brief to be sufficiently robust for it to be reasonable for the LPA to accept that the requirements of local policy (or the minimum standard under the NPPF) to be likely to be met; particularly in respect of the difficulty in identifying lead contamination by visual and olfactory means.
- For these reasons, I would consider it necessary to undertake a limited site investigation at the site which targets areas where exposure may occur (e.g. gardens), and areas where significant contamination sources may be likely (e.g. fuel or materials storage areas, CDM wastes beneath hardstanding etc.).
- Whilst I agree with the conceptual basis for dismissing the likelihood of some pollutant linkages, I would not wish to pre-judge the outcome of a physical assessment of soil conditions, and in line with the recommendations of the report (section 10.0), I would agree that it would not be prudent to prematurely limit the scope of physical assessment (e.g. the sampling suite)

On the basis of the above assessment, I would recommend a *partial discharge of condition 5, part 1 (only)*, and that discharge of parts 2 & 3 to be refused at this stage pending the submission of a level of empirical information which can be considered sufficient to either characterise or dismiss the risks. As the requirements are iterative, it is not possible to recommend discharge of part 4 of condition 5 at this stage.

Mr. Jonathan Driver
Environmental Control Officer